

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND
MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.**
See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24

FILED BY CLERK
AUG 25 2010
COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

WILLIAM SHARKOZY,)
)
 Plaintiff/Appellant,) 2 CA-CV 2010-0030
) DEPARTMENT A
)
 v.) MEMORANDUM DECISION
) Not for Publication
) Rule 28, Rules of Civil
 DONNA ALLISON,) Appellate Procedure
)
 Defendant/Appellee.)
)

APPEAL FROM THE SUPERIOR COURT OF GILA COUNTY

Cause No. CV20080203

Honorable Robert Duber II, Judge

AFFIRMED

William Sharkozy

Payson
In Propria Persona

Jackson White
By James L. Tanner

Mesa
Attorneys for Defendant/Appellee

B R A M M E R, Presiding Judge.

¶1 William Sharkozy appeals from the trial court's order dismissing his complaint against appellee Donna Allison. As we understand his arguments, he asserts

the court erred, both when it sanctioned him for failing to comply with its discovery order and in denying his motion to continue. For the reasons stated, we affirm.

¶2 This is at least Sharkozy's fifth appeal raising issues related to the guardianship and estate of his mother, Angeline Sharkozy. *See Sharkozy v. Walker*, No. 2 CA-CV 2009-0099 (memorandum decision filed June 4, 2010); *Sharkozy v. Walker*, No. 2 CA-CV 2009-0098 (memorandum decision filed Mar. 29, 2010); *In re Estate of Angeline Sharkozy*, No. 2 CA-CV 2008-0131 (memorandum decision filed Apr. 2, 2009); *In re Guardianship/Conservatorship of Angeline Sharkozy*, No. 2 CA-CV 2008-0001 (memorandum decision filed Oct. 9, 2008). On June 11, 2008, Sharkozy filed another of several complaints, this one asserting Allison was "directly responsible for 'Ransacking'" his mother's property while acting in her fiduciary capacity as Angeline's guardian and the conservator of her estate.

¶3 After Sharkozy had failed to provide disclosure as required by Rule 26.1, Ariz. R. Civ. P., and failed to attend a hearing on that issue, the trial court on October 28, 2009, ordered that, by November 9, Sharkozy pay Allison \$750 in attorney fees and provide disclosure "identify[ing] the legal theory of each of his claims by a recognized cause of action" and relating those claims to "the contentions that he makes as grounds for relief" or face dismissal of his action. *See Ariz. R. Civ. P. 37(b)(2)(C)*. After Sharkozy failed to comply with the court's order, it dismissed his complaint on November 13 and awarded Allison her attorney fees and costs. Although Sharkozy filed

his notice of appeal prematurely, we nonetheless deem it effective pursuant to *Barassi v. Matison*, 130 Ariz. 418, 421-22, 636 P.2d 1200, 1203-04 (1981).

¶4 Sharkozy's opening brief fails to comply in any meaningful way with Rule 13(a), Ariz. R. Civ. App. P. It contains no citations to the record or relevant legal authority. Accordingly, we would be justified in summarily refusing to consider his appeal. See *In re \$26,980.00 U.S. Currency*, 199 Ariz. 291, ¶ 28, 18 P.3d 85, 93 (App. 2000) (“[Appellant’s] bald assertion is offered without elaboration or citation to any . . . legal authority. We will not consider it.”); *Brown v. U.S. Fid. & Guar. Co.*, 194 Ariz. 85, ¶ 50, 977 P.2d 807, 815 (App. 1998) (contention “wholly without supporting argument or citation of authority, and accordingly[,] we reject it”). Despite Sharkozy's pro se status, he is held to the same standards as an attorney. See *Old Pueblo Plastic Surgery, P.C. v. Fields*, 146 Ariz. 178, 179, 704 P.2d 819, 820 (App. 1985).

¶5 In any event, our review of the record reveals no basis for disturbing the trial court's exercise of its discretion in sanctioning Sharkozy for his failure to comply with the court's order or in denying his motion to continue. See *Hammoudeh v. Jada*, 222 Ariz. 570, ¶ 5, 218 P.3d 1027, 1029 (App. 2009) (imposition of discovery sanctions reviewed for abuse of discretion); *Ornelas v. Fry*, 151 Ariz. 324, 329, 727 P.2d 819, 824 (App. 1986) (denial of continuance reviewed for abuse of discretion). We therefore affirm the court's orders dismissing Sharkozy's complaint and awarding fees and costs to Allison. Additionally, because Sharkozy has failed to provide citations to the record or to legal authority and has failed to make any cognizable legal argument, we find this appeal

“constitutes harassment, is groundless and is not made in good faith.” A.R.S. § 12-349(F). We therefore grant Allison’s request for attorney fees pursuant to § 12-349(A), pending her compliance with Rule 21, Ariz. R. Civ. App. P.

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Presiding Judge

CONCURRING:

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge